UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

1.   This Office Action is in response to an AMENDMENT entered July 24, 2009 for the

patent application 10/806,615 filed on March 22, 2004.

2.   The Office Action of April 24, 2009 is fully incorporated into this Final Office Action by

reference.

Status of Claims

3.   Claims 1-30 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier

(Pat. No.: US 6,115,080) in view of Kempisty (Pat. No.: US 6,714,264).

Examiner's Note (EN): ¶ 9. below applies.

Regarding claim 1, Reitmeier discloses **a method for displaying digital content**

comprising: using a first tuner to access a first transport stream (Fig. 1, elements 10A and

10B, column 3, lines 49-56); **displaying in a main picture area of a display screen, a program associated with said first transport stream** (column 4, lines 64-67); **using a second tuner during spare periods of said second tuner to access a second transport stream** (Fig. 1, elements 10A and 10B, column 3, lines 57-65); **decoding digital content from said second transport stream and caching a portion of said digital content into a memory buffer** (column 5, lines 8-12); **and upon said first tuner being switched to a new channel associated with a program information stored in said memory buffer, recalling said digital content for use in providing a fast channel change operation to said new channel** (column 9, line 64 – column 10, line 3). Reitmeier does not explicitly disclose wherein **the first transport stream is associated with a first frequency and the second transport stream is associated with a second frequency,** nor does Reitmeier disclose **wherein said portion of said digital content is used to display a plurality of frames associated with said second transport stream upon receiving a channel change associated therewith, and recalling said portion of said digital content from said memory buffer for use in providing a fast channel change operation to said new channel.** However, Kempisty discloses that multiple tuners can be used to tune to various different frequencies, so that a receiving unit can quickly change channels (Fig. 1, col. 3, ln. 49-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the capability of Kempisty to have multiple tuners receiving multiple frequencies with the method of Reitmeier, where multiple tuners are used to expediate a channel change operation, as receiving channels on different frequencies was well known in the art at the time of the invention.

Furthermore, Kempisty discloses that content from channels immediately above or below the currently viewed channel can be stored in a buffer so that if the user wants to switch up or down a channel, the material from either of those channels will be available immediately from a buffer (Figs. 1-3, col. 5, ln.6 – col. 7. ln. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to take the rapid channel change method of Reitmeier, which works in part by storing I-frames of channels which have been selected because of a user's behavior (i.e. it is thought the user will tune to one of these channels), and combining it with the rapid channel change technique of Kempisty, which includes buffering whole channels, rather than just I-frames, of channels close to the currently viewed channel, i.e. channels directly above and below said current channel This would have produced predictable and desirable results, in that the user would have the combined benefits of the two rapid channel change systems, and thus have access to saved information concerning multiple, predicted channels, as taught by Reitmeier, as well as fully buffered channels that would rapidly appear when a channel was changed, as taught by Kempisty.

Regarding claim 2, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 1,** and Reitmeier further discloses **wherein said second tuner is normally dedicated to picture-in-picture rendering on said display screen** (column 4, lines 34-38, Fig. 1, element V2, column 5, lines 23-33)**.**

Regarding claim 3, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 2,** and Reitmeier further discloses **wherein said digital content comprises table information associated with said second transport stream** (column 14, lines 26-40). Reitmeier states that there is a standard manner for extracting program map tables; i.e.

table information, from a transport stream. Therefore, it would have been obvious to one of

ordinary skill in the art to extract table information. Because one skilled in the art would know

that table information is often associated with a transport stream, it would be desirable to

combine this element into the method of claim 1 so that said table information could be accessed.

Regarding claim 4, the combined teachings of Reitmeier and Kempisty disclose **a

method as described in claim 3,** and Reitmeier further discloses **wherein said table

information is derived from a program association table that is encoded in said second

transport stream** (column 14, lines 26-40). This claim is rejected on the same grounds as claim

3.

Regarding claim 5, the combined teachings of Reitmeier and Kempisty disclose **a

method as described in claim 2,** and Reitmeier further discloses **wherein said digital content

comprises decoded I frames of said new channel** (column 10, lines 5-7).

Regarding claim 6, the combined teachings of Reitmeier and Kempisty disclose **a

method as described in claim 2,** and Kempisty further discloses **further comprising: using

said second tuner to scan through a plurality of frequencies over time to access a plurality

of transport streams; decoding digital content from said plurality of transport streams; and

caching a plurality of portions of said digital content decoded associated with said plurality

of transport streams in a plurality of memory buffers associated therewith** (Fig. 1, col. 3, ln.

49-65, Figs. 2-4, elements 120, 220 and 320. This claim is rejected on the same grounds as claim

1.).

Regarding claim 7, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 1,** and Reitmeier further discloses **wherein said first transport stream and said second transport stream are the same and wherein said first frequency and said second frequency are the same** (Fig. 1, elements 10A and 10B, column 3, lines 57-65. The method of Reitmeier discloses only one frequency.)**.**

Regarding claim 8, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 2, wherein said portion of said digital content cached to said memory buffer,** and Reitmeier further discloses wherein said portion **is associated with a channel that is a predicted next channel which is predicted based on previous channel selections (**column 3, lines 18-25, column 7, lines 40-61**).** It would have been desirable to have the channel in the memory buffer predicted based on a previous channel selection. This would be a desirable feature because the existence of a buffered channel only reduces channel change time if the channel to which the viewer changes is one that is being buffered.

Claim 9 is similar to the method of claim 1, except that instead of two tuners associated with two frequencies, method 9 discloses three tuners associated with three frequencies. The method of claim 1 was rejected as unpatentable over Reitmeier in view of Kempisty, and the method of claim 9 is rejected on the same grounds as claim 1. Kempisty discloses a system with three tuners (Fig. 3, elements 112, 212 and 312, Fig. 5), and thus the obvious combination of Reitmeier and Kempisty includes a method with three tuners and three frequencies.

Regarding claim 10, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 9,** and Reitmeier further discloses **wherein said second tuner is**

normally dedicated for picture-in-picture rendering on said display screen (column 4, lines 34-38, Fig. 1, element V2, column 5, lines 23-33).

Regarding claim 11, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 9,** and further disclose **wherein in response to a channel change to said third tuner, performing the following: using said third tuner to access said third transport stream; displaying in said main picture area of said display screen, said new channel associated with said third transport stream; using said first tuner to access a fourth transport stream associated with a fourth frequency; and decoding digital content from said fourth transport stream and caching a portion of said digital content into said memory buffer** (Kempisty, paragraph [0087], lines 1-5). The obvious combination of Reitmeier and Kempisty includes a method with four tuners and four frequencies.

Regarding claim 12, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 9,** and Reitmeier further discloses **wherein said portion of said digital content associated with said new channel comprises decoded I-frames** (column 10, lines 5-7). With the digital video compression techniques commonly used at the time of the invention, it was necessary to have an I-frame to view a complete image, and so if the intent is to display a complete image from a digital stream, an I-frame is necessary.

Regarding claim 13, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 12,** and Reitmeier further discloses **wherein said portion of digital content associated with said new channel further comprises table information associated with said third transport stream** (column 14, lines 26-40). Because one skilled in the art would know that table information is often associated with a transport stream, it would be

desirable to combine this element into the method of claim 12 so that said table information could be accessed.

Regarding claim 14, the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 9,** and disclose **further comprising: using said third tuner to scan through a plurality of frequencies over time to access a plurality of transport streams; decoding digital content from said plurality of transport streams; and caching a plurality of said portions of said digital content decoded associated with said plurality of transport streams to said memory buffer** (Kempisty, paragraph [0087], lines 1-5). It would be desirable to use as many tuners as were available, so as to maximize the number of buffered channels and increase the likelihood of decreased channel change time. Therefore, this claim is rejected on the same grounds as claim 9.

Regarding claim 15 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 9,** and Reitmeier further discloses **wherein said portion of said second digital content cached to said memory buffer is associated with a channel that is a predicted next channel which is predicted based on previous channel selections** (column 3, lines 18-25, column 7, lines 40-61). It would have been desirable to have the channel in the memory buffer predicted based on a previous channel selection. This would be a desirable feature because the existence of a buffered channel only reduces channel change time if the channel to which the viewer changes is one that is being buffered.

Regarding claim 16 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 15,** and Reitmeier further discloses **wherein said portion of said**

first digital content cached to said memory buffer is associated with another channel that is a predicted next channel which is predicted based on previous channel selections (column 3, lines 18-25, column 7, lines 40-61). It would have been desirable to have the channel in the memory buffer predicted based on a previous channel selection. This would be a desirable feature because the existence of a buffered channel only reduces channel change time if the channel to which the viewer changes is one that is being buffered.

Regarding claim 17, Reitmeier discloses **a method for displaying digital content comprising: using a first tuner to access a first transport stream** (Fig. 1, elements 10A and 10B, column 3, lines 49-56)**; displaying in a main picture area of a display screen, a program associated with said first transport stream** (column 4, lines 64-67)**; using a second tuner to access a second transport stream** (Fig. 1, elements 10A and 10B, column 3, lines 57-65)**; decoding table information from said second transport stream and caching said table information into a memory buffer, said table information comprises program identifications for programs of said second transport stream** (column 14, lines 26-40)**; and upon a channel change to a new channel associated with said second transport stream, recalling said table information for use in providing a fast channel change operation to said new channel** (column 9, line 64 – column 10, line 3, and column 14, lines 26-40)**.** Reitmeier does not explicitly disclose wherein **the first transport stream is associated with a first frequency and the second transport stream is associated with a second frequency,** nor does Reitmeier disclose **wherein said second transport stream that is used to display a plurality of frames associated with said second transport stream upon receiving a channel change associated therewith, and recalling said table information from said memory buffer for use**

in providing a fast channel change operation to said new channel. However, Kempisty

discloses that multiple tuners can be used to tune to various different frequencies, so that a

receiving unit can quickly change channels (Fig. 1, col. 3, ln. 49-65). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention to combine the

capability of Kempisty to have multiple tuners receiving multiple frequencies with the method of

Reitmeier, where multiple tuners are used to expediate a channel change operation, as receiving

channels on different frequencies was well known in the art at the time of the invention.

Furthermore, Kempisty discloses that content from channels immediately above or below

the currently viewed channel can be stored in a buffer so that if the user wants to switch up or

down a channel, the material from either of those channels will be available immediately from a

buffer (Figs. 1-3, col. 5, ln.6 – col. 7. ln. 9). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to take the rapid channel change method of

Reitmeier, which works in part by storing I-frames of channels which have been selected

because of a user's behavior (i.e. it is thought the user will tune to one of these channels), and

combining it with the rapid channel change technique of Kempisty, which includes buffering

whole channels, rather than just I-frames, of channels close to the currently viewed channel, i.e.

channels directly above and below said current channel This would have produced predictable

and desirable results, in that the user would have the combined benefits of the two rapid channel

change systems, and thus have access to saved information concerning multiple, predicted

channels, as taught by Reitmeier, as well as fully buffered channels that would rapidly appear

when a channel was changed, as taught by Kempisty.

Regarding claim 18 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 17,** and Reitmeier further discloses **further comprising: decoding I-frames associated with programs of said second transport stream; caching said I-frames to said memory buffer; and upon said channel change to said new channel, also recalling cached I-frames for use in providing said fast channel change operation to said new channel** (column 10, lines 5-7). With the digital video compression techniques commonly used at the time of the invention, it was necessary to have an I-frame to view a complete image, and so if the intent is to display a complete image from a digital stream, an I-frame is necessary.

Regarding claim 19 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 17,** and Reitmeier further discloses **wherein said second tuner is normally dedicated to picture-in-picture rendering on said display screen** (column 4, lines 34-38, Fig. 1, element V2, column 5, lines 23-33).

Regarding claim 20 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 17,** and Kempisty discloses **further comprising: using said second tuner to also scan through a plurality of frequencies over time to access a plurality of transport streams; and decoding and caching a plurality of table informations from said plurality of transport streams to said memory buffer** (Fig. 1, col. 3, ln. 49-65. This claim is rejected on the same grounds as claim 1.).

Regarding claim 21 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 17,** and Reitmeier further discloses **wherein said new channel is a predicted next channel predicted based on prior channel selections** (column 3, lines 18-

25). It would have been desirable to have the channel in the memory buffer predicted based on a previous channel selection. This would be a desirable feature because the existence of a buffered channel only reduces channel change time if the channel to which the viewer changes is one that is being buffered.

Regarding claim 22 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 17,** and Reitmeier further discloses **wherein said first transport stream and said second transport stream are the same** (Fig. 1, elements 10A and 10B, column 3, lines 57-65. The method of Reitmeier discloses only one frequency.).

Regarding claim 23, Reitmeier discloses **a method for displaying digital content comprising: using a first tuner and a first decoder to access and decode a first transport stream** (Fig. 1, elements 10A and 10B, column 3, lines 49-56); **displaying in a main picture area of a display screen, a program associated with said first transport stream** (column 4, lines 64-67); **using a second decoder to decode a second program** (Fig. 1, elements 10A and 10B, column 3, lines 57-65) **and caching said decoded second program into a memory buffer** (column 5, lines 8-12); **upon a channel change to a new channel associated with said second program, recalling said decoded second program and displaying said decoded second program in said main picture area of said display screen to provide a fast channel change operation to said new channel** (column 9, line 64 – column 10, line 3). Reitmeier does not explicitly disclose wherein **the first transport stream is associated with a first frequency,** nor does Reitmeier disclose **wherein said portion of said decoded second program is used to display a plurality of frames associated with said second program, and recalling said portion of said decoded second program from said memory buffer for displaying said**

decoded second program in said main picture area of said display screen to provide a fast

channel change operation to said new channel. However, Kempisty discloses that multiple

tuners can be used to tune to various different frequencies, so that a receiving unit can quickly

change channels (Fig. 1, col. 3, ln. 49-65). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to combine the capability of Kempisty to have

multiple tuners receiving multiple frequencies with the method of Reitmeier, where multiple

tuners are used to expediate a channel change operation, as receiving channels on different

frequencies was well known in the art at the time of the invention.

Furthermore, Kempisty discloses that content from channels immediately above or below

the currently viewed channel can be stored in a buffer so that if the user wants to switch up or

down a channel, the material from either of those channels will be available immediately from a

buffer (Figs. 1-3, col. 5, ln.6 – col. 7. ln. 9). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to take the rapid channel change method of

Reitmeier, which works in part by storing I-frames of channels which have been selected

because of a user's behavior (i.e. it is thought the user will tune to one of these channels), and

combining it with the rapid channel change technique of Kempisty, which includes buffering

whole channels, rather than just I-frames, of channels close to the currently viewed channel, i.e.

channels directly above and below said current channel This would have produced predictable

and desirable results, in that the user would have the combined benefits of the two rapid channel

change systems, and thus have access to saved information concerning multiple, predicted

channels, as taught by Reitmeier, as well as fully buffered channels that would rapidly appear

when a channel was changed, as taught by Kempisty.

Regarding claim 24 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 23,** and Reitmeier further discloses **wherein said first transport stream comprises said second program** (Fig. 1, elements 10A and 10B, column 3, lines 57-65. The method of Reitmeier discloses only one frequency.**).**

Regarding claim 25 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 23,** and Reitmeier further discloses **wherein said second decoder is a spare decoder and wherein said second program is a predicted next program** **(**Reitmeier, column 3, lines 18-25**).**

Regarding claim 26 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 23,** and further disclose **wherein said second program is associated with a second transport steam and further comprising: using a second tuner to access said second transport stream** (Kempisty, Figs. 2-4, elements 112, 212 and 312**).** This claim is rejected on the same grounds as claim 23.

Regarding claim 27 the combined teachings of Reitmeier and Kempisty disclose **a method as described in claim 23,** and further disclose **further comprising: using a second tuner and a third decoder to access and decode a second transport stream associated with a second frequency; and displaying in a picture-in-picture area of a display screen, a program associated with said second transport stream** (Reitmeier, column 4, lines 34-37, and Kempisty, Figs. 2-4, elements 112, 212 and 312). It would be desirable to use as many tuners as were available, so as to maximize the number of buffered channels and increase the likelihood of decreased channel change time. Also, dedicating the second transport stream to picture-in-picture

would have been a desirable feature because it allows a viewer to keep track of what is

happening on two channels at once, and if the second data stream is available for viewing, it

would have been trivial to one of ordinary skill in the art at the time of the invention to display it

in the picture-in-picture area.

Regarding claim 28 the combined teachings of Reitmeier and Kempisty disclose **a**

method as described in claim 26, and further disclose **further comprising: using a third**

tuner and a third decoder to access and decode a third transport stream associated with a

third frequency; and displaying in a picture-in-picture area of a display screen, a program

associated with said third transport stream (Reitmeier, column 4, lines 34-37, and Kempisty,

Figs. 2-4, elements 112, 212 and 312). This claim is rejected on the same grounds as claim 27.

Regarding claim 29 the combined teachings of Reitmeier and Kempisty disclose **a**

method as described in claim 26, and further disclose **wherein said second program is a**

predicted next program further comprising: using a third tuner and a third decoder to

access and decode a third program wherein said third program is a predicted next

program (Reitmeier, column 3, lines 18-25).

Regarding claim 30 the combined teachings of Reitmeier and Kempisty disclose **a**

method as described in claim 1, and Kempisty further disclose **wherein said digital content**

comprises a plurality of images (Figs. 1-3, col. 5, ln.6 – col. 7. ln. 9). This claim is rejected on

the same grounds as claim 1.

Response to Arguments

5.   In regards to Applicants' argument, filed July 24, 2009, concerning claim 1:

Independent Claim 1 recites a method of displaying digital content using a
second tuner to access a second transport stream during spare periods of the
second tuner, as claimed. Accordingly, the second tuner is used to access a
second transport stream when the second tuner is not being utilized for other
purposes.

In contrast, Reitmeier discloses that the channel scanning routine
operates as a background or idle-state routine (see Reitmeier, col. 8, lines 29-
30). For example, the channel scanning routine runs only when the system
control routine is not active (see Reitmeier, col. 8, lines 29-32). Accordingly, the
channel scanning routine does not run when the system is active despite the fact
that a tuner may be free to perform channel scanning, as disclosed by Reitmeier.
Accordingly, running the channel scanning routine only when the system control
routine is inactive, as disclosed by Reitmeier, fails to teach or suggest using a
second tuner during spare periods of the second tuner while the system is
otherwise active to access a second transport stream, as claimed.

Examiners' response:

Reitmeier discloses that the second tuner can be used during spare periods, as Reitmeier

discloses that the scanning routine can operate as an idle-state routine, which implies running in

spare periods. The tuner of Reitmeier may not run during *every* spare period, such as when the

system is active, but the claim language does not require the tuner to be active during *every* spare

period, only some spare periods.

The remainder of Applicant's arguments with respect to claims 1-30 have been

considered but are moot in view of the new ground(s) of rejection.

Examination Considerations

6.   The claims and only the claims form the metes and bounds of the invention. "Office

personnel are to give the claims their broadest reasonable interpretation in light of the supporting

disclosure. *In re Morris,* 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

Limitations appearing in the specification but not recited in the claim are not read into the claim.

In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-

8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the

broadest reasonable sense. Examiner will reference prior art using terminology familiar to one

of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or

implicit in meaning.

7.   Examiner's Notes are provided with the cited references to prior art to assist the applicant

to better understand the nature of the prior art, application of such prior art and, as appropriate, to

further indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and spirit of compact prosecution. However, and unless

otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary

skill in the art would find inherently appropriate.

8.   Unless otherwise annotated, Examiner's statements are to be interpreted in reference to

that of one of ordinary skill in the art. Statements made in reference to the condition of the

disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary

skill in the art, establishing thereby an inherent prima facie statement.

9.   Examiner's Opinion: ¶¶ 6.-8. apply. The Examiner has full latitude to interpret each claim

in the broadest reasonable sense.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755.

The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

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